

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	MDL No. 02419
LITIGATION)	Docket No. 1:13-md-2419-RWZ
_____)	
)	
This document relates to:)	
)	
All Cases against the Box Hill Defendants ¹)	
)	

**PLAINTIFFS' PROPOSED REVISIONS TO ORDER SETTING DISCOVERY
DEADLINES FOR BOX HILL CASES**

At the direction of the Court, by Order dated June 24, 2016 (Dkt. 2958), counsel for Plaintiffs who have filed suits that are pending in this multidistrict ("MDL") litigation against Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC (collectively, "Box Hill Defendants") and counsel for Defendants have conferred about a revised scheduling order to compress the deadlines set forth in the Order Setting Discovery Deadlines, dated May 5, 2016 (Dkt. 2851). Plaintiffs' counsel, Patricia J. Kasputys, with permission and consent by Michael Coren, has communicated with Defendants' counsel, Gregory K. Kirby by emails as well as by a telephone conference and are unable to reach agreement on any proposed revisions to the Order.

Plaintiffs propose the following revisions to Dkt. 2851, Order Setting Discovery Deadlines:

¹ This pleading applies to the following cases: Handy v. Box Hill Surgery Center, LLC, et al. No: 1:14-cv-14019-RWZ; Armetta v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14022-RWZ; Torbeck v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14023-RWZ; Kashi v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14026-RWZ; Bowman v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14028-RWZ; Dreisch v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14029-RWZ; Davis v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14033-RWZ; Farthing v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14036-RWZ

Event	Current Date [Dkt 2851]	Proposed Date
Close of Case Specific Fact Discovery	March 15, 2017	February 24, 2017
Plaintiffs' Case Specific Expert Report Due	May 15, 2017	April 14, 2017
Defendants' Case Specific Expert Reports Due	June 15, 2017	May 12, 2017
Completion of Case Specific Expert Depositions	July 17, 2017	June 16, 2017

These revisions basically shorten the time to finish case specific fact discovery by two and a half weeks, and the case specific expert report and deposition deadlines by about 30 days. We also propose that the date for parties to seek leave of court to file motions for summary judgment be shortened by a month to May 31, 2017.

Plaintiffs want to get their cases ready for trial as soon as possible. Thus, the revisions proposed by Plaintiffs effectively shorten the overall time within which the case-specific discovery will be done in the eight Box Hill cases by only one month. The Box Hill Plaintiffs agreed to the dates set forth in the Premier Orthopaedic Associates, *et al.* Notice of Joint Filing of Proposed Discovery Schedule submitted to the Court (Dkt. 2775), although they had originally proposed different deadlines. Plaintiffs' consent to the jointly filed schedule applicable to the Premier and Box Hill cases (which was not fully adopted by the Court) was the result of compromise between different proposals by a number of attorneys in addition to Box Hill Defendants' counsel. At this time, with the Premier cases likely no longer at issue, Plaintiffs assert that it is both feasible and desirable to shorten the overall time period within which all discovery is concluded in the Box Hill cases.

WHEREFORE, Plaintiffs, by their undersigned counsel request that the deadlines set forth in Judge Boal's May 5, 2016 Order (Dkt. 2851), be modified as set forth in the proposed Order Plaintiffs submit to the Court.

Dated: July 8, 2016

Respectfully submitted,

/s/ Patricia J. Kasputys
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CERTIFICATE OF SERVICE

I, Patricia J. Kasputys, certify that I caused a copy of the above Plaintiffs Proposed Revisions to Order Setting Discovery Deadlines for Box Hill Cases and proposed Order to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: July 8, 2016

Respectfully submitted,

/s/ Patricia J. Kasputys